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2023 CNA Lawyers' Professional Liability Risk Control Recap: Top 5 Resources

Introduction

The first step in avoiding legal malpractice claims is to know where the exposures exist in the daily practice of law. In case you missed them, the 2023 most popular risk control resources for CNA-insured attorneys are provided here for your convenience. The resources cover the importance of engagement agreements, the implementation of certain provisions of the Corporate Transparency Act in 2024 and what it means to your practice, the highs and lows of artificial intelligence for attorneys, changes to ABA Model Rule 1.16(a) and the dangers of dabbling.

Risk Control Resources

New and Improved Lawyers' Toolkit 5.0

Documentation of the attorney-client relationship represents a critical risk control technique. CNA has developed the following *Lawyers' Toolkit 5.0: A Guide to Managing the Attorney-Client Relationship* to assist attorneys in creating documents, including sample engagement agreements, which will enable them to better manage their interactions with prospective and actual clients. These sample documents are designed to establish client expectations, reduce client misunderstandings, improve client communications, and provide opportunities for additional services. The use of these documents may not prevent legal malpractice claims, but can support a stronger defense in the event that a claim arises.

[Lawyers' Toolkit 5.0: A Guide to Managing the Attorney-Client Relationship](#)

Countdown to the Corporate Transparency Act

As 2023 comes to a close, attorneys must be aware of changes that will occur in the new year. One such change is the implementation of certain provisions of the Corporate Transparency Act and what such obligations mean to your law practice and clients. This article provides information for those attorneys not already conversant with the changes to the Corporate Transparency Act (CTA), effective January 1, 2024. Congress created mandatory beneficial ownership information (BOI) reporting requirements and, despite the American Bar Association's best efforts, lawyers and law firms are not exempt.

[Regulatory Spotlight: What Lawyers Need to Know About New Reporting Required Under the Corporate Transparency Act](#)

Artificial Intelligence and Your Practice

Although the ultimate impact of artificial intelligence (AI) on the legal profession is evolving, attorneys must be aware of the effects it may have on their practice. At a minimum, law firms should balance the risks of implementing AI, such as ChatGPT, against any expected benefits. This article provides risk management strategies for law firms considering the use of AI and how to avoid creating legal malpractice exposure.

[Risk Alert: Artificial Intelligence and ChatGPT: Friend or Foe to the Legal Profession?](#)

Revisions to American Bar Association Model Rule 1.16(a)

The client intake process provides the first opportunity to decide if you want to represent a client and to eliminate and examine potential red flags. The newly amended Rule 1.16(a) of the American Bar Association's (ABA) Model Rules of Professional Conduct and its Comments provide guidance on conducting due diligence on clients, with revisions specifically designed to prevent clients from using legal services for money laundering and other criminal and fraudulent acts. This article outlines what this guidance means for you and how to better identify and respond to any "red flags." Establishing a robust client intake protocol may help your firm avoid professional liability, regulatory sanctions, and disciplinary actions.

[Old is New Again: Recent Revisions to Model Rule 1.16\(a\) and the Duty to Inquire](#)

Dangers of Dabbling

An attorney who dabbles in areas of law outside their standard practice presents a legal malpractice risk. If attorneys have not invested the time to achieve competence in a specialized area of law, it may be problematic for not just the attorney but their clients, the courts and the legal system. This article addresses the best practices attorneys should implement to mitigate the risk of dabbling in their practice.

[Dibble Dabble Double Trouble: Mitigating the Risks of Dabbling In Your Practice](#)

Don't Miss Out on Future CNA LPL Publications

If you wish to receive the CNA Lawyers' Professional Liability Risk Control monthly publications, you may register [here](#).

About CNA Professional Counsel

This publication offers advice and insights to help lawyers identify risk exposures associated with their practice. Written exclusively by the members of CNA's Lawyers Professional Liability Risk Control team, it offers details, tips and recommendations on important topics from client misconduct to wire transfer fraud.

For more information, please call us at 866-262-0540 or email us at lawyersrisk@cna.com

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